

INVENTOR: HARRIS, Elbert
Serial No. 10/693,590

REMARKS

The Examiner has rejected Claims 10, 23, 26-27, 29-31 and 33-38 under 35 U.S.C. § 102(e) as being anticipated by Greer, and Claims 1-8, 9, 11-14, 15-22, 24-25, 28 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Greer in combination with one or more other references including OraDBA, Kenedy, McKeen, and Cornelius. The Applicant respectfully traverses these rejections for several reasons. First, the primary reference relied upon by the Examiner, Greer, is not prior art to the Applicant's invention as the invention was conceived by the Applicant prior to the earliest filing date of Greer. Second, Greer fails to teach, either alone or in combination with any other references, the invention claimed by the Applicant.

Greer is not prior art to the Applicant's invention. Greer was filed on August 15, 2003 claiming priority to two provisional applications filed on August 16, 2002 and August 15, 2003, respectively. The instant application was filed on October 24, 2003 claiming priority to a provisional application filed on April 28, 2003. The Declaration of Mr. Elbert Harris, is attached hereto as evidence that the invention was conceived prior to the August 16, 2002 earliest priority date of Greer, and that the applicant took affirmative steps during the entire time period prior to August 16, 2002 until the filing date of Applicant's non-provisional patent application of April 28, 2003 to prepare and file a US Patent application. Therefore, the Applicant asserts that the system of Greer does not anticipate the instant invention, and the combinations of references including

Greer would not have been within the level of ordinary skill in the art at the time of invention by the Applicant.

Assuming, arguendo that Greer were prior art to the instant invention, Greer fails to teach, either alone or in combination with any other references, the invention claimed by the Applicant. Greer is directed to a "static" system for managing construction projects. To the extent Greer provides management of submittals, it merely acts as storage for information regarding the submittal process, it does not aid in completing the actual submittal process. Although the system of Greer may include a network of access points, all of the access points disclosed by Greer are within a single construction company. See e.g. page 4, paragraph 114 of Greer in which Greer describes administrative clients as being "scattered throughout various departments [of a construction company] such as accounting, shipping, and receiving, human resources, operations and the like" and extraction clients as being "engineering and operations departments" of a construction company. Greer makes no mention of access to its system by any users other than users within a single entity (i.e. the construction company). As such, Greer does not provide for any dynamic access to submittal information from independent access points (i.e. contributor and responder access points) that are not associated with the construction company (i.e. subscriber access point), and does not actively request submittal/approval information, as are respectively claimed in the instant invention. While the Examiner has pointed out that Greer provides data storage fields relating to "requested" information and "approvals", Greer does not provide any communication of submittals (or transmittal information, as

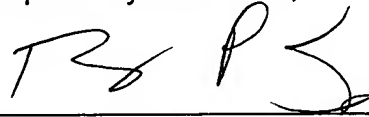
asserted by the Examiner to be equivalent to submittals) outside of the construction company. To the contrary, Greer requires transmittal items to be sent via regular mail, hand delivery or some other method (see e.g. paragraph 260 of Greer). Thus, Greer acts merely as a repository for data. Furthermore, Greer makes no disclosure of the subscription system of the instant invention, which allows submittal data to be stored at a location that is independent of any users of the system, preventing the ability of any user to tamper with critical data. Greer does not require such a system as it is intended for use within a single entity (i.e. the construction company).

The Applicant has amended claims 1 to 38, without prejudice to more clearly describe the instant invention's management of the submittal process, as opposed to systems that merely act as repositories for information. Specifically, the Applicant has amended independent claim 1 to include limitations drawn to the posting of the submittal to the network and the approving of the submittal via the network. Such limitations are clearly outside the scope of Greer, which merely acts as a repository for information and requires regular mail or hand delivery of "transmittal" information. Independent claims 3, 10, 11, 14 and 26 have all been amended to specify that the databases for storing submittal information are maintained by a subscription service provides. As is discussed above, this too is not within the scope of Greer.

INVENTOR: HARRIS, Elbert
Serial No. 10/693,590

Reconsideration of the application as amended respectfully is requested. The foregoing amendment and remarks are believed to be responsive to every matter raised in the office action. If, however, some matter has been overlooked, an opportunity to correct the oversight would be appreciated.

Respectfully submitted,



Bryan P. Stanley
Patent Office Reg. No. 44,352
SONNENSCHN NATH & ROSENTHAL LLP
PO Box #061080, Wacker Drive Station
Sears Tower
Chicago, IL 60606-1080
Telephone: (816) 460-2410
Facsimile: (816) 531-7545

Attorneys for Applicant